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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,114	03/08/2001	Daniel Mattias Larsson	600189-095	5582

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

MAIL DATE	DELIVERY MODE
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03/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/802,114	Applicant(s) LARSSON ET AL.	
	Examiner Etienne P. LeRoux	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Appeal Brief filed 1/27/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-9,12-14 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-9,12-14 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Prosecution Reopened

In view of the Appeal Brief filed on 1/27/2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejection in view of Mukherjea et al are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Mohammad Ali/

Supervisory Patent Examiner, Art Unit 2169

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Claim Status

Claims 1-3, 6-9, 12-14 and 17-20 are pending. Claims 4, 5, 10, 11, 15, 16, 21 and 22 have been cancelled. Claims 1-3, 6-9, 12-14 and 17-20 are rejected as detailed below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-9, 12-14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukherjea et al (US 6,317,740) in view of prior art disclosed by Mukherjea.

Claims 1, 7, 12 and 18:

Mukherjea discloses:

parsing [Mukherjea, col 8, line 1, parser 506] a set of pages for a plurality of text indexable elements [Mukherjea, col 6, lines 1-5, WWW page contains text] and non-text indexable elements [Mukherjea, col 6, lines 1-5, WWW page contains many images]

assigning a location identifier [col 5, lines 25-30, URL of an image, col 7, lines 10-15, URL of an image is called the name of the image] to one or more of the plurality of text and non-text indexable elements, the location identifier corresponding to a location of a given text and non-text indexable element in a given page from the set of pages [col 7, lines 60-65, spider or crawler]

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storing the plurality of text and non-text indexable elements and the corresponding location identifier for the one or more of the plurality of text and non-text indexable elements in a computer readable medium as a plurality of records [col 8, lines 1-5, storage unit 508]

Mukherjea discloses the elements of the claimed invention as noted above but does not disclose receiving the search query to request a stored record, the search query received from a user across a networked connection. Mukherjea as prior art discloses receiving the search query to request a stored record, the search query received from a user across a networked connection [col 1, line 20-30]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mukherjea to include above limitation as taught by the cited prior art for the purpose of providing a user the ability to search for text and to separately or simultaneously search for an image.

The combination of Mukherjea and the prior art cited by Mukherjea discloses searching said plurality of records to determine text and non-text indexable elements that correspond to the search query [col 1, lines 20-30]

The combination of Mukherjea and the prior art cited by Mukherjea discloses transmitting at least one text element representation of said query result to the user across the networked connection [col 1, lines 20-30]

the combination of Mukherjea and the prior art cited by Mukherjea discloses transmitting at least one non-text element representation of said query result to said user across the networked connection [col 1, lines 20-30].

Claims 2, 8, 13 and 19:

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The combination of Mukherjea and prior art disclosed by Mukherjea discloses wherein the object comprises an image [abstract]

Claims 3, 9, 14 and 20:

The combination of Mukherjea and prior art disclosed by Mukherjea discloses wherein the record comprises a Web page [col 5, lines 25-30]

Claims 6 and 17:

The combination of Mukherjea and prior art disclosed by Mukherjea discloses wherein the object comprises a sound file [abstract]

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on 8:00 am - 4:30 pm, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. P. L./

Primary Examiner, Art Unit 2161

2/27/2009